

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDEN WILLIE ISELI,
Petitioner,
v.
JEFF LYNCH,
Respondent.

No. 2:24-cv-00681 AC

ORDER AND
FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Examination of the request to proceed in forma pauperis reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The court has conducted that review.

Court records reveal that petitioner has previously filed a petition for a writ of habeas corpus attacking the same conviction and sentence challenged in this case. See Iseli v. People of the State of California, 2:22-cv-01483 TLN EFB (E.D. Cal.) (“Iseli I”). Petitioner was denied relief on the merits of the claims in his first habeas corpus application on March 13, 2023. See

1 Iseli I at ECF No. 31. Before petitioner can proceed with the instant successive petition, he must
2 obtain authorization from United States Court of Appeals for the Ninth Circuit pursuant to 28
3 U.S.C. § 2244(b)(3). Because it does not appear that petitioner has obtained the required
4 authorization, petitioner's habeas petition must be dismissed.

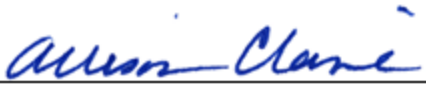
5 Accordingly, IT IS HERBY ORDERED that:

- 6 1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 5) is granted; and
7 2. The Clerk of the Court is directed to randomly assign a district court judge to this case.

8 IT IS HEREBY RECOMMENDED that petitioner's habeas corpus application be
9 dismissed without prejudice as an unauthorized second or successive application.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, petitioner may file written
13 objections with the court. The document should be captioned "Objections to Magistrate Judge's
14 Findings and Recommendations." Petitioner is advised that failure to file objections within the
15 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
16 F.2d 1153 (9th Cir. 1991).

17 DATED: April 8, 2024

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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